

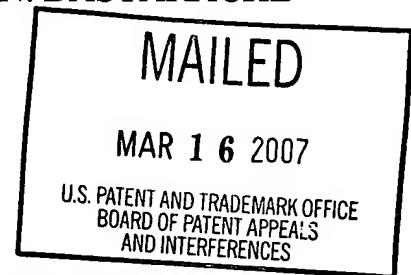
The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DENNIS M. HILTON, MICHAEL D. MORGAN, ROBERT PAUL,
KARL D. TAUB, ROBERT S. YOUNG, and RICKY N. BASTARACHE

Application 10/657,494
Technology Center 1700



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on November 15, 2006. A review has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matter requiring attention prior to docketing is identified below:

The content provided under the heading "**SUMMARY OF CLAIMED SUBJECT MATTER**" of the Appeal Brief received by the USPTO on May 5, 2006, is not commensurate in scope with 37 C.F.R. § 41.37(c)(1)(v)(2006) because the content does not give a concise explanation of the subject matter defined in each of the independent claims (or dependent claims argued separately pursuant to

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the provisions of paragraph (c)(1)(vii) of § 41.37 involved in the present appeal. Correction is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- (1) to instruct Appellants to provide a Supplemental Appeal Brief which fully complies with 37 C.F.R. § 41.37(c)(1)(v);
- (2) to have said Supplemental Appeal Brief made a part of the Image File Wrapper (IFW) Official record;

and

- (3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:


PATRICK J. NOLAN
Deputy Chief Appeals Administrator
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PJN:hh

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